

**REMARKS**

Claims 1-98 are pending in the application. Applicants respectfully request reconsideration of the application in light of the remarks below

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-7, 9, 16-22, 24, 27-38, 40-52, 56-72, 74-86 and 90-98 under 35 U.S.C. §103(a) as being unpatentable over Rohani (U.S. Patent No. 5,999,522) in view of Dufour (U.S. Patent No. 5,613,205). The Office Action also rejected claims 8, 23, 39 and 73 under 35 U.S.C. §103(a) as being unpatentable over Rohani in view of Dufour, and in further view of Miya et al. (U.S. Patent No. 6,480,479). The Office Action also rejected claims 53 and 87 under 35 U.S.C. §103(a) as being unpatentable over Rohani in view of Dufour, and in further view of Bose (U.S. Patent No. 4,477,809). The Office Action further rejected claims 54, 55, 88 and 89 under 35 U.S.C. §103(a) as being unpatentable over Rohani in view of Dufour, and in further view of Chien et al. (U.S. Patent No. 6,389,474). Applicants respectfully traverse the rejections.

Rohani discloses a method and apparatus of determining the candidate list for a mobile station based on the reverse link signals measured at a base station having a plurality of sectors. As the Examiner recognized in the Office Action: Rohani does not specifically disclose determining at the subscriber station a forward link quality metric for each sector in the subscriber station's list, and determining at the subscriber station a quality related to a reverse link quality metric for each sector in the subscriber station's list (see Office Action, page 3, lines 7 - 10).

Dufour discloses a mobile terminal locator for locating a mobile terminal in a cellular telecommunication system having a plurality of base stations and associated cells. Applicants note that in the section cited by the Examiner, Dufour merely states that signal strength may be measured at either the base station or the mobile terminal (see col. 6, lines 12-28). Dufour does not disclose, in the cited section or elsewhere, determining a forward link quality metric and a quality related to a reverse link quality metric at the mobile terminal.

As such, the cited references, alone or in combination, fail to teach or suggest determining a forward link quality metric and a quality related to a reverse link quality metric at

the subscriber station, as recited in independent claim 1, 16, or 31. For at least these reasons, Applicants submit that independent claims 1, 16, and 31 are allowable over the cited references. Applicants respectfully request that the rejection of these claims be withdrawn.

The cited references, alone or in combination, also fail to teach or suggest determining a forward link de-rating value for at least one sector in the subscriber station's list and assigning credits to each sector in the subscriber station's list, as recited in independent claim 32, 65, or 66. For at least these reasons, Applicants submit that claims 32, 65, and 66 are allowable over the cited references. Applicants respectfully request that the rejection of these claims be withdrawn.

Claims 2-9, 17-24, 27-30, 33-64, and 67-98 each depend from one of independent claims 1, 16, 32, 65, and 66 and are therefore allowable. Applicants respectfully request that the rejections of these claims be withdrawn.

#### Claim Objections

The Office Action indicated that claims 10-15, 25, and 26 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter.

Claims 10-15, 25, and 26 each depend from one of independent claims 1 and 16 and are also allowable, for at least the reasons stated above. Applicants respectfully request that the objection of these claims be withdrawn.

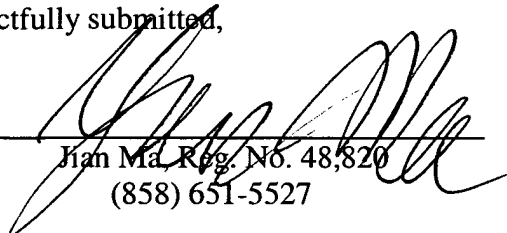
REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 5/24/2006

By: \_\_\_\_\_

  
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